

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiffs,

v.

No. 16-0258-DRH

LANA Y. DANIELS,

Defendant.

ORDER

HERNDON, District Judge:

Pending before the Court is the government's request for clerk's entry of default judgment against defendant Lana Y. Daniels (Doc. 21) which the Court construes as a motion for default judgment as the Clerk's Entry of Default against Daniels was entered on April 20, 2016 (Doc. 17). Based on the following, the Court **DENIES at this time** the motion.

A review of the pleadings, reveals that the government failed to comply with Local Rule 55.1. Local Rule 55.1(a) requires the moving party to: (1) "give notice of the entry of default to the defaulting party by regular mail sent to the last known address of the defaulted party," and (2) "certify to the Court that notice has been sent." Further, Local Rule 55.1(b) requires that the motion seeking default judgment "shall contain a statement that a copy of the motion has been mailed to the last known address of the party from whom default judgment is sought. If the moving party knows, or reasonably should know, the identity of an attorney

thought to represent the defaulted party, the motion shall also state that a copy has been mailed to that attorney.”

Here, the government failed to certify that it mailed a copy of the motion for default judgment to defendant’s attorney, or that in the alternative, that government is not aware that defendant is represented by counsel, generally. Accordingly, the Court **DENIES at this time** motion for default judgment (Doc. 21). The Court **ALLOWS** the government to file a new motion that comports with this Order and the Local Rule on or before May 24, 2016.

IT IS SO ORDERED.

Signed this 10th day of May, 2016.

David R. Herndon



Digitally signed by
Judge David R.
Herndon
Date: 2016.05.10
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United States District Judge